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PATENT
MAY 14 2003
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brita SCHULZE *et al.*

Application No.: 09/847,538

Filed: May 3, 2001

For: CATIONIC DIAGNOSTIC, IMAGING AND
THERAPEUTIC AGENTS ASSOCIATED WITH
ACTIVATED VASCULAR SITES

Group Art Unit: 1617

Examiner: L. Wells

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Non-Fee Amendment
Arlington, VA 22202

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This paper responds to the Office Action (Paper 11) dated April 14, 2003, time for response to which expires May 14, 2003. In response to the species election requirement set forth in the Office Action, Applicants respectfully elect, with traverse, the following species:


- (a) iron oxide particles for particles having a zeta potential between 25-100 mV;
- (b) polycationic dextran complex for a molecule having an isoelectric point above 7.5;
- (c) Camptothecin for an active ingredient; and
- (d) ethylene diamine for a cationic forming reagent.

As set forth in the Office Action of July 30, 2002, claims 1-35 are generic. Accordingly, claims 1-35 read on the elected species.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP


Sally P. Teng
Reg. No. 45,397

Dated: May 9, 2003

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PATENT
ATTORNEY DOCKET NO. 04766-5502

TECH CENTER 1600/2900

MAY 14 2003

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Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Request for Election of Species dated April 14, 2003.
2. Additional papers enclosed:
 - ☐ Preliminary Amendment
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	42	Minus	42	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	10	minus	10	0	x \$80 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$270.00	+ \$
SUB-TOTAL =						\$ 0.00
Reduction by 2 for filing by a small entity						- \$
TOTAL FEE =						\$ 0.00

6. Fee Payment

[] Check in the amount of \$ ____ for additional claims. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.


[X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 9, 2003

By:


Sally P. Jeng
Reg. No. 45,397

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., NW
Washington, D.C. 20004
202-739-3000

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for __ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §' 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).